

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

VIRTUAL SOLUTIONS, LLC,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendants.

Case No. 1:12-CV-1118-SAS

**DECLARATION OF ROBERT COURTNEY IN SUPPORT OF  
MICROSOFT CORPORATION'S REPLY BRIEF FOR  
SUMMARY JUDGMENT OF INVALIDITY FOR INDEFINITENESS**

I, Robert Courtney, declare as follows:

1. I am an attorney licensed to practice law in the State of California and the District of Columbia. I am an associate at the law firm of Fish & Richardson, P.C., counsel for Microsoft Corporation ("Microsoft") in this case. I make these statements based on my own personal knowledge or the regularly kept files of Fish & Richardson P.C., with which I am familiar.

2. This declaration is made in support of Microsoft's Reply Memorandum of Law in Support of Its Motion for Summary Judgment of Invalidity for Indefiniteness.

3. Attached as Exhibit 1 is a true and correct copy of a letter to Tim Grochocinski from Cherylyn Mizzo of August 7, 2012.

4. Attached as Exhibit 2 is a true and correct copy of a letter to Cherylyn Mizzo from Tim Grochocinski of September 5, 2012.

5. Attached as Exhibit 3 is a true and correct copy of a letter to Tim Grochocinski from Cherylyn Mizzo of September 7, 2012.

6. Attached as Exhibit 4 is a true and correct copy of a letter to the Hon. Shira A. Scheindlin from Lauren Degnan of September 26, 2012

7. Attached as Exhibit 5 is a true and correct copy of a letter to the Hon. Shira A. Scheindlin from Tim Grochocinski of October 1, 2012.

8. Attached as Exhibit 6 is a true and correct copy of excerpts from the rough transcript of the deposition of Vyacheslav Zavadsky, Ph.D., taken in New York on November 27, 2012.

9. Attached as Exhibit 7 is a true and correct copy of a letter to Tim Grochocinski from Cherylyn Mizzo of September 5, 2012.

10. Attached as Exhibit 8 is a true and correct copy of an email to Robert Courtney and Lauren Degnan from Tim Grochocinski of November 14, 2012.

Respectfully submitted,

Dated: November 28, 2012

/s/ Robert Courtney  
Robert Courtney

## **CERTIFICATE OF SERVICE**

A true and correct copy of the **DECLARATION OF ROBERT COURTNEY IN SUPPORT OF MICROSOFT CORPORATION'S REPLY BRIEF FOR SUMMARY JUDGMENT OF INVALIDITY FOR INDEFINITENESS** has been served by e-mail to the counsel listed below, on this the 28th day of November, 2012.

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